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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 TAHJE DAQUAN MAESTAS,

9 Plaintiff,

10 vs.

11 NANCY A. BERRYHILL, Acting
12 Commissioner of Social Security,¹

13 Defendant.

Civil No. C16-5376-JPD

ORDER REMANDING CASE FOR
FURTHER ADMINISTRATIVE
PROCEEDINGS

14 Plaintiff Tahje Daquan Maestas brought this action to seek judicial review of the denial
15 of his application for disability benefits by the Commissioner of the Social Security
16 Administration. Dkt. 9. Although the parties did not submit a stipulated motion to remand this
17 case, the parties agree that this case should be reversed and remanded for further administrative
18 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 20; Dkt. 21.

19 The Commissioner concedes that the ALJ committed harmful error by failing to
20 incorporate many aspects of the opinions of Drs. Baskin and Mangold into the RFC assessment
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23 ¹ Nancy A. Berryhill is now the Acting Commissioner of the Social Security
24 Administration. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is
substituted for Carolyn W. Colvin as defendant in this suit. The Clerk is directed to update the
docket, and all future filings by the parties should reflect this change.

1 in this case, although the ALJ afforded their opinions “significant weight.” Dkt. 21 at 3.

2 Similarly, the Commissioner concedes that the ALJ erred by failing to incorporate much of
3 plaintiff’s testimony into the RFC, although the ALJ stated that he found plaintiff’s testimony
4 “generally credible.” Dkt. 21 at 3-4.

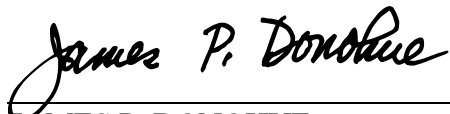
5 The Commissioner offers several *post hoc* rationalizations for why the ALJ may not have
6 erred by rejecting Dr. Young’s April 12, 2014 medical source statement, but further asserts that
7 “assuming *arguendo* that the ALJ erred in not sufficiently stating his reasons for rejecting Dr.
8 Young’s opinion, remand for further proceedings is the appropriate remedy.” Dkt. 21 at 10. The
9 Court reviews the ALJ’s decision “based on the reasoning and factual findings offered by the
10 ALJ—not post hoc rationalizations that attempt to intuit what the adjudicator may have been
11 thinking.” *Bray v. Comm’r of SSA*, 554 F.3d 1219, 1225 (9th Cir. 2009) (citing, *inter alia*, *Snell*
12 *v. Apfel*, 177 F.3d 128, 134 (2d Cir. 1999) (“The requirement of reason-giving exists, in part, to
13 let claimants understand the disposition of their cases...”)). In any event, the Court agrees with
14 plaintiff that the ALJ failed to provide specific and legitimate reasons for rejecting the marked
15 limitations assessed by Dr. Young. AR at 22, 371-79. In light of plaintiff’s testimony regarding
16 his difficulty concentrating while watching television and his inability to interact peacefully with
17 others during games (such as cursing and threatening other players), it is not at all clear that
18 plaintiff’s daily activities were inconsistent with the marked limitations assessed by Dr. Young.
19 AR at 44-46. The ALJ also fails to adequately explain how Dr. Young unduly relied on
20 plaintiff’s subjective reports, in light of the fact that Dr. Young has performed a psychological
21 evaluation of plaintiff and also had opportunities to clinically observe plaintiff’s behavior during
22 treatment sessions. For example, Dr. Young has described plaintiff’s thinking and speaking as
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1 “scattered,” and his behavior as “fidgety”. AR at 313. His mental status examination revealed
2 problematic judgment and exhibited very limited insight. AR at 313.

3 Accordingly, the Court ORDERS that this case be REVERSED and REMANDED for
4 further administrative proceedings before an Administrative Law Judge (“ALJ”). On remand,
5 the ALJ shall: (1) reassess medical evidence of record, including the opinions of Drs. Baskin,
6 Mangold, and Young; (2) reassess the claimant’s credibility; (3) reevaluate the claimant’s
7 residual functional capacity; and (4) reevaluate steps four and five with the assistance of a
8 vocational expert, if necessary.

9 Upon proper application, the Court will consider whether reasonable attorney’s fees,
10 expenses and costs should be awarded pursuant to 28 U.S.C. § 2412.

11 DATED this 18th day of April, 2017.

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14 JAMES P. DONOHUE
15 Chief United States Magistrate Judge
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